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DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/686,516

Applicant(s)

ARNETT ET AL.

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,4,5,13,14,40,41,49,50 and 75-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,4,5,13,14,40,41,49,50 and 75-81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 31, 2005 has been entered.

Claims 2, 4, and 40 have been amended.

Claims 75-81 have been added.

Claims 2, 4, 5, 13, 14, 40, 41, 49, 50, and 75-81 are presented for examination.

### ***Response to Arguments***

2. Applicant's arguments filed October 31, 2005 have been fully considered but they are not persuasive.

Regarding claim 2, Applicant argues that the eWatch reference is not enabling (pages 7-8 of Applicant's response). The Examiner respectfully disagrees. When disclosure of software is required, it is generally sufficient if the functions of the software are disclosed, it usually being the case that creation of the specific source code is within the skill of the art. See *Fonar Corp. v. General Electric Co.*, 41 USPQ2d 1801 (Fed. Cir. Feb. 25, 1997); *In re Hayes*, 25 USPQ2d 1241. eWatch is proprietary software. The cited reference clearly lays out the capabilities of this software, citing various filtering

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methods among other techniques to perform these capabilities. Furthermore, these disclosed capabilities are commensurate in scope with the claimed functionality; therefore, claim 2 is sufficiently addressed by the prior art. Applicant does not reference any specific functionality disclosed by eWatch (and corresponding to specific claim language) that Applicant feels one of ordinary skill in the art would not have been able to make and use without undue experimentation; therefore, Applicant's argument is not persuasive.

As per claim 2, Applicant argues that the cited eWatch web site contains no evidence that eWatch utilizes "linguistic patterns and associative rules" (pages 8-10 of Applicant's response). Applicant admits that "eWatch can perform keyword searches, 'perhaps a client's name, combined with 'boycott,' 'angry,' or even cruder denigrating terms.'... For example, we know that eWatch is capable of finding messages that contain the word 'angry' combined with 'Northwest Airlines.'" (Page 9 of Applicant's response) Yet Applicant submits, "'Linguistics patterns' are something more -- they involve the assembly of words according to particular rules and customs to express a thought in a language." (Page 10 of Applicant's response) The claimed invention is not limited to this asserted interpretation of "linguistics patterns." As a matter of fact, Applicant's footnote on page 10 of the response states, "Linguistics means 'of or pertaining to the knowledge or study of languages.'" The Examiner asserts that the assumption that the word "boycott" or "angry" in combination with a particular company name implies a negative opinion toward that company is an example of linguistic association among words. The fact that the eWatch software is programmed to make

such an assumption is indicative of the existence of some set of rules to guide this sort of decision-making. All software is based on a set or various sets of programmed rules. Furthermore, Merriam Webster's Collegiate® Dictionary (10<sup>th</sup> ed.) defines a "pattern" as simply as being "a form or model proposed for imitation" and "a reliable sample of traits, acts, tendencies, or other observable characteristics of a person, group or institution." Again, the assumption that the word "boycott" or "angry" in combination with a particular company name implies a negative opinion toward that company (as taught by eWatch) is an example of linguistic association among words, in which patterns (e.g., models, traits, or tendencies) are identified. Therefore, the Examiner maintains that eWatch addresses the recited "linguistic patterns and associative rules."

In reference to claim 2, Applicant argues that the "cited references contain no evidence that eWatch 'identifies trends.'" (Page 10 of Applicant's response) Applicant further submits that "One might be tempted by the mention in one news article of clients' concern with messages affecting their stock price (eWatch news articles, p.23), but stock prices can be monitored without 'identifying trends.' We can sit here and speculate all day that perhaps eWatch could be identifying trends, but the written materials upon which the Office action's rejection is based contain absolutely no mention of this." (Page 10 of Applicant's response) Again citing Merriam Webster's Collegiate® Dictionary (10<sup>th</sup> ed.), "trend" is a very broad term, meaning "a prevailing tendency or inclination," "a line of development," or "a general movement." eWatch's clients are monitoring electronic discussion forums for both positive and negative "buzz." If negative buzz is initially detected in reference to a particular company, it is a

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potential indicator of a trend of negative attitude toward the company. This is why companies attempt to nip negative buzz in the bud by performing proactive rumor control. Page 43 of eWatch states, “‘So you start to see from a marketing standpoint and customer service standpoint how the Internet really does marry those two functions, because you’ve got folks who are unhappy, and if they’re unhappy, they’re going to deter other people from buying your product,’ Mr. Alexander said. ‘On the flip side, you’re got people who are evangelizing products. It works both ways.’” By detecting positive and negative buzz about a company, the company is either alerted to a potentially positive trend (e.g., recommending the company to others) or to a potentially negative trend (e.g., complaining about the company to others). Applicant’s claims do not specify any particular manner of assessing a trend; therefore, the broadest reasonable interpretation of a “trend” is justifiably used in rejecting the claims.

Applicant argues, in reference to claim 2, that “eWatch does not teach analyzing the roles of individual participants in electronic discussion forums” (page 10 of Applicant’s response). Claim 2 has been amended from “roles of participants” to “roles of individual participants” without any details that would affect the recited functionality. In other words, the same steps are performed regardless of whether the participants are part of a group or not. eWatch is tracking the comments made by individuals; therefore, the Examiner maintains that eWatch addresses this claim amendment. It should be noted that claims 4, 13, 14, 40, 49, and 50, for example, functionally distinguish among the various individuals since they track each individual based on a pseudonym. Consequently, these claims are rejected under 35 U.S.C. § 103(a).

Regarding claims 4 and 5, Applicant argues that "neither eWatch nor CyberSleuth tracks the roles of individual participants using pseudonyms posting in electronic discussion forums." (Pages 11-12 of Applicant's response) First, the Examiner disagrees with Applicant's statement that "this feature of tracking the roles of *individual* discussion forum participants is absent from the cited eWatch references." (Page 11 of Applicant's response) eWatch cites various examples of how it monitors individual participants. For example, page 12 talks about monitoring chat rooms. Page 25 discusses complaints posted by individual Bruce Perens. Second, the Examiner takes issue with Applicant's assertion that "CyberSleuth does not track 'the roles of individual participants using the pseudonyms,' as required by amended claim 4. The method performed by the present invention, which tracks the roles of individual participants an [sic] the electronic discussion forum, is not concerned with discovering the true identity behind a pseudonym (CyberSleuth's goal) at all." (Page 12 of Applicant's response) In response to Applicant's argument that CyberSleuth's goal may be different from that of Applicant, the fact that Applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). Furthermore, the CyberSleuth reference specifically states that "it might be interesting to look at the activities of eWatch, a firm that offers a number of services that include surveillance of activism or criticism of a company" (§ 1). "eWatch CyberSleuth will attempt to identify the entity or entities behind the screen name(s) which have targeted your organization."

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(¶ 6) Additionally, CyberSleuth talks about identifying “perpetrators” and “Internet attackers” that “attempt to cover their tracks by erasing identifying personal information from their postings, using anonymous remailers to strip off network information, posting under assumed names, etc.” (¶ 12) Clearly, these are actions performed by individual, human “perpetrators” and “Internet attackers.” CyberSleuth is expressly described as working in conjunction with eWatch; therefore, the Examiner maintains that the eWatch-CyberSleuth combination does indeed address the claimed invention for the reasons presented in the art rejection as well as those currently argued by the Examiner.

Applicant’s arguments regarding claims 13 and 14 (pages 12-13 of Applicant’s response) were already addressed in the response to arguments section related to claim 2 above.

Applicant’s argument regarding claims 40 (page 13 of Applicant’s response) was already addressed in the response to arguments section related to claims 2 and 4 above.

As per claims 4 and 40, Applicant argues that eWatch does not “provide any evidence that such a database [storing configuration information for the plurality of electronic discussion forums] is used by eWatch” (page 14 of Applicant’s response) Claim 4 recites “enabling the message collector to collect messages corresponding to a plurality of message formats or communications protocols.” As stated in the art rejection, messages may be downloaded to eWatch’s server from various Internet Usenet groups, ListServes, and consumer online services, such as CompuServe, America Online, Prodigy, and Microsoft Network. The Examiner submits that, on some



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level, the various Internet Usenet groups, ListServes, and consumer online services, such as CompuServe, America Online, Prodigy, and Microsoft Network process their messages differently, use a different programming language to process and post information, and/or have unique rules associated with processing communications. (Applicant has not asserted the contrary.) The fact that eWatch can download and analyze information from any of these sources is indicative of the fact that eWatch's message collector is enabled "to collect messages corresponding to a plurality of message formats or communications protocols." There are no details in the claims regarding how different formats or protocols are handled; therefore, eWatch's disclosure is commensurate in scope with the claimed invention. eWatch can analyze these messages that come from sources of varying information formats and communications protocols; therefore, eWatch can be interpreted as able to "collect messages corresponding to a plurality of message formats or communications protocols."

Additionally, in order to download information via the Internet, the information that is downloaded is associated with identifying information that instructs the network, including sending and receiving client computers, how to transmit the data (e.g., the type of protocols, including packet-switching, streaming video, audio, etc.) and what format the information is in (e.g., PDF, HTML, etc.). This protocol and format information must be associated with the downloaded data; therefore, such information is stored somewhere (i.e., in a database, which is merely a collection of data) in a manner that it is linked to the data when download of the data is requested.

Applicant's arguments regarding claims 49 and 50 (page 14 of Applicant's response) were already addressed in the response to arguments section related to claims 2 and 13 above.

In conclusion, Applicant's arguments are non-persuasive. The art rejection has been revised to address Applicant's claim amendments.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 76 and 78 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 76 recites the limitation "the relevance score" in line 1. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, "the relevance score" will be interpreted as "a relevance score."

Claim 78 recites the limitation "the relevance score" in line 1. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, "the relevance score" will be interpreted as "a relevance score."

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 2 and 79 are rejected under 35 U.S.C. 102(b) as being anticipated by eWatch Inc.'s eWatch service (eWatch), as disclosed in eWatch's archived web site retrieved from [URL: <http://web.archive.org/web/19980522190526/www.ewatch.com>].

(The various pages of the eWatch web site were archived by web.archive.org on May 22, 1998 and they include press releases dating back to 1995.)

eWatch discloses a method for collecting and analyzing electronic discussion messages, wherein the method comprises the computer-implemented steps of:

[Claim 2] (a) collecting a plurality of message information from a plurality of pre-determined electronic discussion forums (Pages 37, 40);

(b) storing the plurality of message information in a central data store (Pages 39, 40);

(c) categorizing the message information according to a plurality of pre-determined rules (Pages 9, 23, 38);

(d) assigning an opinion rating to the plurality of message information based on a plurality of pre-determined linguistic patterns and associative rules (Page 23 -- eWatch helps to identify both positive and negative opinions toward an entity. For example, "eWatch's proprietary search software does the first round of filtering, churning out

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reports based on keywords -- perhaps a client's name combined with 'boycott,' 'angry,' or even cruder denigrating terms." Such a search would clearly identify negative opinion ratings toward the client based on a variety of linguistic patterns, i.e., the "client's name combined with 'boycott,' 'angry,' or even cruder denigrating terms." Page 28 of eWatch states that good comments may be tracked as well as the negative ones);

(e) collecting a plurality of objective data from a plurality of objective data sources (Page 38 -- The identification of each message meeting the search criteria includes objective data such as date, time, and title of thread. The objective data sources would be the actual sites on which the messages were posted as opposed to the author of the message);

(f) analyzing the message information and the objective data to identify trends in the pattern of behavior in pre-determined markets and the roles of individual participants in electronic discussion forums (Pages 12, 23, 25, 42-43); and

(g) generating reports for end-users based on the results of the analyses performed by the present invention (Pages 5-6, 9, 37);

[Claim 79] wherein the roles of individual participants are classified by correlating their postings with objective data relating to events external to the electronic discussion forum (Page 23 -- "eWatch is being called more often by corporate investor relations departments who want to know if and how Internet discussions are affecting their stock prices).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 13, 14, 40, 49, 50, 80, and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over eWatch Inc.'s eWatch service ("eWatch"), as disclosed in eWatch's archived web site retrieved from [URL: <http://web.archive.org/web/19980522190526/www.ewatch.com>] in view of eWatch Inc.'s CyberSleuth service ("CyberSleuth"), as disclosed in the web site [URL: <http://www.interesting-people.org/archives/interesting-people/200006/msg00090.html>], dated June 29, 2000.

(The various pages of the eWatch web site were archived by web.archive.org on May 22, 1998 and they include press releases dating back to 1995.)

eWatch discloses a system for processing message traffic in a plurality of electronic discussion forums, comprising:

[Claim 4] a computer-implemented message collector for collecting messages from the plurality of electronic discussion forums (Pages 37, 40);

a computer-implemented message categorizer for processing the messages based on a series of topics (Pages 9, 23, 38);

a storage device containing a database storing configuration information for the plurality of electronic discussion forums (Pages 2, 37, 40 -- Messages may be downloaded to eWatch's server from various Internet Usenet groups, ListServes, and consumer online services, such as CompuServe, America Online, Prodigy, and Microsoft Network, thereby implying that eWatch's server can handle a plurality of message formats or communications protocols; In order to download information via the Internet, the information that is downloaded is associated with identifying information that instructs the network, including sending and receiving client computers, how to transmit the data (e.g., the type of protocols, including packet-switching, streaming video, audio, etc.) and what format the information is in (e.g., PDF, HTML, etc.). This protocol and format information must be associated with the downloaded data; therefore, such information is stored somewhere (i.e., in a database) in a manner that it is linked to the data when download of the data is requested); wherein

the message collector communicates with the database, thereby enabling the message collector to collect messages corresponding to a plurality of message formats or communications protocols (Pages 2, 37, 40 -- Messages may be downloaded to eWatch's server from various Internet Usenet groups, ListServes, and consumer online services, such as CompuServe, America Online, Prodigy, and Microsoft Network, thereby implying that eWatch's server can handle a plurality of message formats or communications protocols);

[Claim 80] wherein the roles of individual participants are classified by correlating their postings with objective data relating to events external to the electronic discussion

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forum (Page 23 -- "eWatch is being called more often by corporate investor relations departments who want to know if and how Internet discussions are affecting their stock prices).

As per claim 4, the eWatch service does not expressly teach a data analyzer for tracking a plurality of pseudonyms and the roles of individual participants using the pseudonyms posting in the plurality of electronic discussion forums based on the processing of the messages; however, CyberSleuth is a related service offered by the same company, eWatch Inc. Similar to the eWatch service, the CyberSleuth service assists in addressing publicly disclosed negative opinions towards an entity. CyberSleuth, however, attempts "to identify the entity or entities behind the screen name(s) which have targeted your organization," which is especially important when the motives of such entities are fraudulent, deceptive, and/or criminal (§ 6). CyberSleuth helps to mitigate such attacks by identifying the entity behind a pseudonym so that proper recourse can be taken, e.g., public rumor control or legal action. Since both eWatch and CyberSleuth function under the control of eWatch Inc. and both services assist clients in identifying negative attacks in order to mitigate the effect of such attacks, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to actively integrate the CyberSleuth service with the capabilities of the eWatch service (e.g., as a complete package), thereby incorporating a data analyzer for tracking a plurality of pseudonyms and the roles of individual participants using the pseudonyms posting in the plurality of electronic

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discussion forums based on the processing of the messages, in order to conveniently provide clients with a more comprehensive service for identifying the sources of negative attacks and taking appropriate actions against those sources who may harbor more fraudulent, deceptive, and/or criminal intent.

eWatch discloses a system for processing message traffic in a plurality of electronic discussion forums, comprising:

[Claim 13] a computer-implemented message collector for collecting messages from the plurality of electronic discussion forums (Pages 37, 40);

a computer-implemented message processor for processing the messages according to a series of topics, wherein the message processor processes a message to compute a relevance of the message to at least one topic from the series of topics (Pages 9, 23, 38);

a storage device for storing the messages (Pages 39, 40); wherein

the message processor processes the messages to compute an opinion for the message based on a plurality of pre-determined linguistic patterns and associative rules according to at least one topic (Page 23 -- eWatch helps to identify both positive and negative opinions toward an entity. For example, "eWatch's proprietary search software does the first round of filtering, churning out reports based on keywords -- perhaps a client's name combined with 'boycott,' 'angry,' or even cruder denigrating terms." Such a search would clearly identify negative opinion ratings toward the client based on a variety of linguistic patterns, i.e., the "client's name combined with 'boycott,' 'angry,' or



even cruder denigrating terms.” Page 28 of eWatch states that good comments may be tracked as well as the negative ones);

[Claim 14] wherein the opinion is computed based on a textual analysis of the message (Page 23 -- eWatch helps to identify both positive and negative opinions toward an entity. For example, “eWatch’s proprietary search software does the first round of filtering, churning out reports based on keywords -- perhaps a client’s name combined with ‘boycott,’ ‘angry,’ or even cruder denigrating terms.” Such a search would clearly identify negative opinions toward the client based on a textual analysis of the message, i.e., the “client’s name combined with ‘boycott,’ ‘angry,’ or even cruder denigrating terms.” Page 28 of eWatch states that good comments may be tracked as well as the negative ones).

As per claim 13, the eWatch service does not expressly teach a data analyzer for tracking a plurality of pseudonyms posting in the plurality of electronic discussion forums based on the processing of the messages; however, CyberSleuth is a related service offered by the same company, eWatch Inc. Similar to the eWatch service, the CyberSleuth service assists in addressing publicly disclosed negative opinions towards an entity. CyberSleuth, however, attempts “to identify the entity or entities behind the screen name(s) which have targeted your organization,” which is especially important when the motives of such entities are fraudulent, deceptive, and/or criminal (¶ 6). CyberSleuth helps to mitigate such attacks by identifying the entity behind a pseudonym so that proper recourse can be taken, e.g., public rumor control or legal action. Since

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both eWatch and CyberSleuth function under the control of eWatch Inc. and both services assist clients in identifying negative attacks in order to mitigate the effect of such attacks, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to actively integrate the CyberSleuth service with the capabilities of the eWatch service (e.g., as a complete package), thereby incorporating a data analyzer for tracking a plurality of pseudonyms posting in the plurality of electronic discussion forums based on the processing of the messages, in order to conveniently provide clients with a more comprehensive service for identifying the sources of negative attacks and taking appropriate actions against those sources who may harbor more fraudulent, deceptive, and/or criminal intent.

eWatch discloses a method for processing message traffic in a plurality of electronic discussion forums, comprising the steps of:

[Claim 40] collecting messages from the plurality of electronic discussion forums (Pages 37, 40);

processing the messages based on a series of topics (Pages 9, 23, 38);

storing configuration information for the plurality of electronic discussion forums in a database, and wherein the step of collecting messages comprises collecting messages corresponding to a plurality of message formats or communications protocols (Pages 2, 37, 40 -- Messages may be downloaded to eWatch's server from various Internet Usenet groups, ListSrvs, and consumer online services, such as CompuServe, America Online, Prodigy, and Microsoft Network, thereby implying that

eWatch's server can handle a plurality of message formats or communications protocols; In order to download information via the Internet, the information that is downloaded is associated with identifying information that instructs the network, including sending and receiving client computers, how to transmit the data (e.g., the type of protocols, including packet-switching, streaming video, audio, etc.) and what format the information is in (e.g., PDF, HTML, etc.). This protocol and format information must be associated with the downloaded data; therefore, such information is stored somewhere (i.e., in a database) in a manner that it is linked to the data when download of the data is requested);

[Claim 81] wherein the roles of individual participants are classified by correlating their postings with objective data relating to events external to the electronic discussion forum (Page 23 -- "eWatch is being called more often by corporate investor relations departments who want to know if and how Internet discussions are affecting their stock prices).

As per claim 40, the eWatch service does not expressly teach tracking a plurality of pseudonyms and the roles of individual participants using the pseudonyms posting in the plurality of electronic discussion forums based on the processing of the messages; however, CyberSleuth is a related service offered by the same company, eWatch Inc. Similar to the eWatch service, the CyberSleuth service assists in addressing publicly disclosed negative opinions towards an entity. CyberSleuth, however, attempts "to identify the entity or entities behind the screen name(s) which have targeted your

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organization,” which is especially important when the motives of such entities are fraudulent, deceptive, and/or criminal (§ 6). CyberSleuth helps to mitigate such attacks by identifying the entity behind a pseudonym so that proper recourse can be taken, e.g., public rumor control or legal action. Since both eWatch and CyberSleuth function under the control of eWatch Inc. and both services assist clients in identifying negative attacks in order to mitigate the effect of such attacks, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant’s invention to actively integrate the CyberSleuth service with the capabilities of the eWatch service (e.g., as a complete package), thereby incorporating the step of tracking a plurality of pseudonyms and the roles of individual participants using the pseudonyms posting in the plurality of electronic discussion forums based on the processing of the messages, in order to conveniently provide clients with a more comprehensive service for identifying the sources of negative attacks and taking appropriate actions against those sources who may harbor more fraudulent, deceptive, and/or criminal intent.

eWatch discloses a method for processing message traffic in a plurality of electronic discussion forums, comprising the computer-implemented steps of:

[Claim 49] collecting messages from the plurality of electronic discussion forums (Pages 37, 40);

processing the messages according to a series of topics and computing a relevance of the messages to at least one topic from the series of topics (Pages 9, 23, 38); wherein

the processing step further comprises the computer-implemented step of computing an opinion for the message based on a plurality of predetermined linguistic patterns and associative rules according to the at least one topic (Page 23 -- eWatch helps to identify both positive and negative opinions toward an entity. For example, "eWatch's proprietary search software does the first round of filtering, churning out reports based on keywords -- perhaps a client's name combined with 'boycott,' 'angry,' or even cruder denigrating terms." Such a search would clearly identify negative opinion ratings toward the client based on a variety of linguistic patterns, i.e., the "client's name combined with 'boycott,' 'angry,' or even cruder denigrating terms." Page 28 of eWatch states that good comments may be tracked as well as the negative ones); [Claim 50] wherein the step of computing an opinion comprises the step of performing a textual analysis of the message (Page 23 -- eWatch helps to identify both positive and negative opinions toward an entity. For example, "eWatch's proprietary search software does the first round of filtering, churning out reports based on keywords -- perhaps a client's name combined with 'boycott,' 'angry,' or even cruder denigrating terms." Such a search would clearly identify negative opinions toward the client based on a textual analysis of the message, i.e., the "client's name combined with 'boycott,' 'angry,' or even cruder denigrating terms." Page 28 of eWatch states that good comments may be tracked as well as the negative ones).

As per claim 49, the eWatch service does not expressly teach tracking a plurality of pseudonyms posting in the plurality of electronic discussion forums based on the

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processing of the messages; however, CyberSleuth is a related service offered by the same company, eWatch Inc. Similar to the eWatch service, the CyberSleuth service assists in addressing publicly disclosed negative opinions towards an entity.

CyberSleuth, however, attempts "to identify the entity or entities behind the screen name(s) which have targeted your organization," which is especially important when the motives of such entities are fraudulent, deceptive, and/or criminal (§ 6). CyberSleuth helps to mitigate such attacks by identifying the entity behind a pseudonym so that proper recourse can be taken, e.g., public rumor control or legal action. Since both eWatch and CyberSleuth function under the control of eWatch Inc. and both services assist clients in identifying negative attacks in order to mitigate the effect of such attacks, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to actively integrate the CyberSleuth service with the capabilities of the eWatch service (e.g., as a complete package), thereby incorporating the step of tracking a plurality of pseudonyms posting in the plurality of electronic discussion forums based on the processing of the messages, in order to conveniently provide clients with a more comprehensive service for identifying the sources of negative attacks and taking appropriate actions against those sources who may harbor more fraudulent, deceptive, and/or criminal intent.

9. Claims 5, 41, and 75-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over eWatch Inc.'s eWatch service ("eWatch"), as disclosed in eWatch's archived web site retrieved from [URL:

<http://web.archive.org/web/19980522190526/www.ewatch.com>] *in view of* eWatch Inc.'s CyberSleuth service ("CyberSleuth"), as disclosed in the web site [URL: <http://www.interesting-people.org/archives/interesting-people/200006/msg00090.html>], dated June 29, 2000, as applied to claims 4, 40, 41, and 49 above, and *further in view of* Cohen (U.S. Patent No. 6,067,539).

(The various pages of the eWatch web site were archived by web.archive.org on May 22, 1998 and they include press releases dating back to 1995.)

[Claims 5, 41, 75-78] Neither the eWatch service nor the CyberSleuth service expressly teaches the use of a relevance score *per se* as part of the determination of relevance of a message; however, Cohen makes up for this deficiency in his teaching of a system and method for identifying the most relevant sources for a particular topic. Similar to eWatch, Cohen's invention downloads messages (e.g., from web sites or news groups) and performs linguistics analysis to correlate certain keywords and synonyms thereof to a topic of interest; a score representative of the level of correlation is then generated (col. 2, lines 8-28, 45-47; col. 3, lines 1-45; col. 4, lines 5-14, 47-50; col. 6, line 67 through col. 7, line 12). Based on frequency statistics, a neural network, pattern recognition, an image processing, thesaurus, or another linguistics-based algorithm, a matching score is generated and evaluated to identify those messages deemed to be most relevant to the topic of interest (col. 8, lines 1-48; col. 9, lines 15-31). These algorithms inherently utilize predetermined rules; therefore, when used to generate a matching score to identify messages deemed to be most relevant to a topic of interest, it is understood that the relevance score is computed based on a set of

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predetermined rules for each topic, wherein the predetermined rules for each topic comprise a set of conditions defining information relevant to the topic. Cohen's invention is established as addressing a need for ranking information on a topic of interest, "thereby increasing the efficiency of information search and retrieval" (col. 1, lines 59-67). Since eWatch and Cohen are both directed toward identifying the most relevant messages (filtered from an incredibly large body of information) to a topic of interest, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt eWatch's computer-implemented message categorizer to compute at least one relevance score for a message, the relevance score providing a measure of the relevance of the message to at least one topic from the series of topics and computed based on a set of predetermined rules for each topic, wherein the predetermined rules for each topic comprise a set of conditions defining information relevant to the topic (as taught by Cohen), in order to increase the efficiency of eWatch's information search and retrieval system (as suggested in col. 1, lines 59-67 of Cohen).

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Susanna M. Diaz  
Primary Examiner  
Art Unit 3623

November 19, 2005